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September 10, 2024

**BY CM/ECF**

The Honorable Gregory B. Williams  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: *In re: Letter Request from The Netherlands,*  
C.A. No. 24-cv-00861-GBW**

Dear Judge Williams:

In accordance with the Court's discovery dispute procedures, applicants in the above-referenced matter, Adobe Inc. and Adobe Systems Software Ireland Limited (collectively, "Adobe"), write to request the scheduling of a discovery teleconference. While there is no Scheduling Order in the § 1782 action, Adobe respectfully submits that it is appropriate to use the Court's discovery dispute procedures.

The following attorneys participated in telephonic meet and confers on September 4, 2024 and September 9, 2024<sup>1</sup>:

**Plaintiff:**

Delaware Counsel: Kelly Farnan, Richards, Layton & Finger, P.A.  
Lead Counsel: Gayle R. Klein and Linda H. Martin, Freshfields Bruckhaus Deringer, US LLP

**Defendant:**

Delaware Counsel: John Seaman and Chris Cannataro, Abrams & Bayliss LLP  
Lead Counsel: Jeff Eberhard and Blake Edwards, Gair Gallo Eberhard, LLP

The disputes requiring judicial attention are listed below:

1. Whether Defendant should be compelled to produce documents in response to the Order Granting the Ex Parte Application for an Order Pursuant to 28 U.S.C. Section 1782 to Obtain Discovery for Use in a Foreign Proceeding. D.I. 9.

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<sup>1</sup> Defendant retained local counsel after the September 4, 2024 meet and confer, so Messrs. Seaman and Cannataro did not attend the first telephonic meeting.



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Specifically, Plaintiff seeks to compel the production of the following categories of documents as laid out in Schedule A to the Williams Declaration (D.I. 4):

- a. The fully unredacted version of the funding agreement.
  - b. Documents reflecting the financial motives and arrangements behind the Dutch Proceeding: An unredacted version of documents responsive to Request No. 1, as well as documents responsive to Requests No. 2, 4, 6, 8 and 9.
  - c. Documents reflecting the number of claimants actually represented and when and how they came to the attention of Marsh and / or SDBN: Requests No. 11 and 12.
  - d. Documents showing whether SDBN has sufficient control over the litigation and to what extent Marsh is influencing decisions: Requests No. 14 and 17.
2. Whether Defendant should be compelled to appear for a deposition in response to the Order Granting the Ex Parte Application for an Order Pursuant to 28 U.S.C. Section 1782 to Obtain Discovery for Use in a Foreign Proceeding. D.I. 9.

Given that the requested discovery is for use in a Dutch litigation in which the statement of defense is due the equivalent of close of business September 24, 2024, and given that the subpoena was served on August 1, 2024,<sup>2</sup> Adobe respectfully requests that the Court set an expedited briefing schedule and an expedited hearing. Adobe is prepared to file its letter brief tomorrow, September 11, 2024.

Respectfully,

*/s/ Kelly E. Farnan*

Kelly E. Farnan (#4395)

cc: Counsel of Record (via CM/ECF)

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<sup>2</sup> While Adobe may supplement its statement of defense until two weeks before the hearing, which is scheduled for December, Adobe nevertheless believes that the scope of the requests is narrow enough that a production and deposition may be had in time to incorporate the information to the statement of defense in September.